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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,196	05/07/2001	Jean-Francois Bodet	7343M	1416

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EXAMINER
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BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/24/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/831,196**

Applicant(s)  
**Bodet et al**

Examiner  
**Charles Boyer**

Art Unit  
**1751**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 29, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 1751

### **DETAILED ACTION**

This action is responsive to applicants' amendment and response received July 29, 2003.

Claims 17-34 are currently pending.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 "further comprises" a long list of ingredients, meaning each and every ingredient must be present, yet at the end of the list, the claim reads "or mixtures thereof," implying that fewer ingredients than all those listed may be present. The examiner believes applicants' intent is to have one or more ingredients selected from the group consisting of the items in claim 19 added to their cleaning composition, and not each and every ingredient. Clarification is requested.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 1751

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansmann,

WO 97/16,263.

Hansmann teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid (see abstract). An example of such a cleaning fluid comprises water, surfactants, and builders (page 12, example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to additional components claimed in claims 22-29, the examiner notes these are optional components only.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

5. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Chavannes, GB 2,204,321.

Chavannes teaches biodegradable liquid detergent compositions (see abstract). The invention includes a process for the ultrasonic cleaning of articles by immersing the articles in a cleaning bath comprising water, surfactants, and builders (page 11, claims 1 and 14). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

Art Unit: 1751

6. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by DeSenna, US 5,529,788.

DeSenna teaches effervescent cleaning tablets for use in ultrasonic cleaning equipment (see abstract). An example of such a composition comprises surfactants and builders (col. 4, example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

7. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuesting, US 4,448,750.

Fuesting teaches a process for sterilizing objects wherein an object is simultaneously subjected to a sterilizing liquid and ultrasonic radiation (see abstract). An example of such a sterilizing liquid comprises water, a surfactant, and carbamide (col. 10, claim 11). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

8. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Voit, US 4,308,229.

Art Unit: 1751

Voit teaches a process for sterilizing objects wherein an object is simultaneously subjected to a sterilizing liquid and ultrasonic radiation (see abstract). An example of such a sterilizing liquid comprises surfactants and isopropanol (col. 7, claim 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

9. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Awad, US 5,464,477.

Awad teaches a process for cleaning ferrous surfaces wherein an object is subjected to an ultrasonically agitated cleaning solution (see abstract). An example of such a cleaning solution comprises solvents and surfactants (col. 8, example 4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

10. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Motson, US 5,770,550.

Motson teaches a method for cleaning hard surfaces (see abstract). An example of such a method cleans a surface with a surfactant composition and ultrasonic energy (col. 12, claims

Art Unit: 1751

12, 14, and 15). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

11. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomaszewski, US 5,372,741.

Tomaszewski teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid (see abstract). An example of such a cleaning fluid comprises water, surfactants, and builders (col. 5, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

12. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitazawa et al, US 5,350,457.

Kitazawa et al, US 5,350,457 teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid (see abstract). An example of such a cleaning fluid comprises water, surfactants, and a buffer (col. 7, example 18). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Art Unit: 1751

Applicants have amended claim 17 to include surfactants. As the reference teaches surfactants in the composition, the rejection is maintained.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this



Application/Control Number: 09/831196

Page 8

Art Unit: 1751

Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

A handwritten signature in cursive script that reads "Charles Boyer". The signature is written in dark ink and is positioned to the right of the printed name "Charles Boyer".

October 20, 2003